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MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

<p>RIKKI HELD, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>STATE OF MONTANA, et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>Cause No.: CDV-2020-307 Honorable Kathy Seeley</p> <p style="text-align: center;"><b>DEFENDANTS’ NOTICE OF WITHDRAWAL OF MOTION TO STAY PROCEEDINGS</b></p>
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Defendants hereby submit this Notice to inform the Court and Plaintiffs of their decision to withdraw their pending Motion to Stay Proceedings. This withdrawal follows Defendants being informed of the Montana Department of Environmental Quality’s (“DEQ”) decision not to appeal

the Yellowstone County District Court’s decision in *MEIC v. DEQ*, Cause No. DV-56-2021-0001307, with respect to its interpretation of Section 75-1-201(2), MCA (the “MEPA Limitation”) in light of the Montana Legislature’s substantive amendment of the same through the enactment of HB 971. (*See* Defendants’ 5/10/23 Notice of Supplemental Authority).

Dated this 10<sup>th</sup> day of May, 2023.

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## CERTIFICATE OF SERVICE

I, Michael D. Russell, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Withdrawal of Motion to the following on 05-10-2023:

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Electronically signed by Dia Lang on behalf of Michael D. Russell  
Dated: 05-10-2023